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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,413	06/05/2001	Masahiro Shioji	010728	1839

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EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/873,413	<b>Applicant(s)</b> SHIOJI, MASAHIRO	
	<b>Examiner</b> Nhan T. Tran	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/27/2005 has been entered.

### *Response to Arguments*

2. Applicant's arguments filed 7/27/2005 have been fully considered but they are not persuasive.

On page 7 of the Applicant's remarks, the Applicant asserts, "Anderson et al. '918 does not detect and display a count of the number of files managed by a selected folder. Anderson et al. '918 simply displays various file identifiers (e.g., 1M000324, 1M000325, etc.) when a folder is selected. The identifiers do not indicate a count of the number of files managed by the selected folder."

In response, the Examiner respectfully disagrees with the Applicant. It is clearly seen from Fig. 7B and col. 6, lines 55-65 in Anderson '918 that the number of files (**e.g., 8 files or items**) managed by a selected folder **C1523460** (selected from Fig. 7A) is detected and displayed on screen 402 of the camera.

The Applicant further asserts, “Anderson et al. does not teach displaying a count of the number of files and folder identification numbers on a screen. According to Anderson et al. ‘918, the folders and files are clearly displayed separately at different times.”

The Examiner also disagrees with the Applicant. Referring to Fig. 7B in Anderson ‘918, the number of files (**e.g., 8 files or items**) and the folder numbers **C1523460** are both displayed *on the same screen at the same time*.

The Applicant further requests the Examiner to submit evidence to support the Official Notice for the well-known feature of moving a file from one folder to another folder in an electronic apparatus (page 9 of the Applicant’s remarks). The Examiner respectfully cites, at least, the following 3 references to support the mentioned feature:

1. Kim et al (US 6,496,361 B2) teaches an electronic apparatus (e.g., a portable digital camera shown in Fig. 1) that is implemented with a CPU, memories, system bus, user interface and OS Windows 98, which *inherently* has a file moving feature for moving one or more files from one folder to an arbitrary folder. See col. 2, lines 12-26.

2. Rekimoto (US 2003/0052907 A1) also teaches an electronic apparatus (e.g., a portable digital camera shown in Fig. 1) that is implemented with a CPU, memories, system bus, user interface and OS Windows 95 or 98, which *inherently* has a file moving feature for moving one or more files from one folder to an arbitrary folder. See paragraphs [0057]-[0064].

3. Hahn et al (US 5,751,287) also teaches a general electronic apparatus that is implemented with a CPU, memories, system bus, user interface for managing files stored in the apparatus, wherein a file can be moved from one folder to another folder using conventional drag and drop method. See col. 10, line 66 – col. 11, line 12.

In view of the above, the Examiner respectfully submits that the limitations of claims 1 & 3-9 are met by the combination of cited references. Therefore, the rejection is maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 & 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al (US 5,861,918).

Regarding claim 1, Anderson discloses a file reproducing apparatus comprising:

an attacher (removable memory 354, Fig. 3) to be attached with a recording medium in which a plurality of folders (Fig. 7A) for managing a plurality of files are formed (see Figs. 7B & 7C and col. 6, line 45 – col. 7, line 17);

a folder number detector for detecting folder identification numbers (e.g., C1523460, C9347825 as shown in Fig. 7A) of said the plurality of folders formed in said recording medium;

a folder number displayer for displaying on a screen (402) said the folder identification numbers detected by said folder number detector (Fig. 7A);

a selector (user control interface as shown in Fig. 4) for selecting any one of said the folder identification numbers displayed by said folder number displayer; a file number detector for detecting **a count of the number of files (e.g., a count of 8 files or items)** managed by the

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folder holding the folder identification number (e.g., C1523460) selected by said selector (see Figs. 7A & 7B and col. 6, lines 55-59); and

a file number displayer for displaying **the count (e.g., 8 files or items)** detected by said file number detector on the screen (402) on which the folder identification numbers (C1523460) are displayed by said folder number displayer. See Fig. 7B; col. 6, line 45 – col. 7, line 17.

Regarding claim 5, Anderson further discloses that the selector is able to select another file identification number after a display operation of the file number displayer (Fig. 7B, wherein each of the identified file in folder C1523460 is able to be selected using the user control interface; furthermore, the other identified folder C9347825 can be also selected as shown in Fig. 7C).

Regarding claim 6, it is clearly seen that each of the plurality of files is an image file as shown in Figs. 7B & 7C.

Regarding claim 7, Anderson also discloses a folder creator (step 456, Fig. 6) for creating a new folder in the recording medium when a folder creating operation is carried out.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US 5,861,918) in view of Anderson et al (US 6,507,363).

Regarding claim 8, although Anderson '918 discloses a folder creator for creating a new folder in the recording medium as analyzed in claim 7, Anderson '918 does not specifically disclose that when a writing of a file to a designated folder is instructed in a state that the number of files managed by the designated folder indicates a predetermined value, a new folder is created. However, in another reference to Anderson '363, a new folder is created when the current folder for storing images is full (reaching a maximum number of images per folder) so that cumbersome to retrieve a folder is reduced (Fig. 9, steps 466, 456 and col. 7, lines 58-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Anderson '918 and '363 to create a new folder in the recording medium when a current writing folder is full so that cumbersome to retrieve a folder would be greatly reduced.

5. Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US 5,861,918) in view of Inoue et al (US 6,226,449).

Regarding claims 3, Anderson '918 does not explicitly teach a total file number detector for detecting a total number of the files recorded in the recording medium, and a total file

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number displayer for displaying the total number of files detected by the total file number detector.

As taught by Inoue, a total number of files stored in a recording medium is detected and displayed as shown in Fig. 6, col. 7, lines 3-7, wherein ALL files contained in all folders are detected and the total number is shown in section 608.

Therefore, it would have been obvious to one of ordinary skill in the art to further include teaching of Inoue for modifying the apparatus in Anderson so as to provide a user a better visualized summary on the screen with a total number of files and folders stored in the recording medium so that the user would quickly recognize the total number of files in the recording medium.

Regarding claim 4, it is also seen from the combination of Anderson and Inoue as analyzed in claim 3, the total number of files would be displayed on the same screen as the screen displaying the folder identification number (analysis of claim 1 is also applied in this claim).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US 5,861,918) in view of Kim et al (US 6,496,361 B2).

Regarding claim 9, Anderson is silent about a file mover for moving a file from a folder to another folder when a file moving operation is carried out, wherein the another folder is arbitrarily selectable from among the plurality of folders formed in the recording medium.



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However, such file moving feature is old and well known in the art for moving one or more files from one folder to an arbitrary folder of a recording medium in an electronic apparatus (i.e., a portable digital camera) operated under control of a CPU, memories and an operating system (i.e., OS Windows 98) using a control interface to offer the user an option to re-arrange folders and files as desired by the user (see Kim in Fig. 1, col. 2, lines 12-26, wherein Windows 98 inherently has a file moving feature). Therefore, it would have been obvious to one of ordinary skill in the art to modify Anderson to include a feature of file mover for moving one file from a folder to another arbitrary selected folder within the recording medium so that the user would be allowed to re-arrange or organize files to the way he/she would like to in a conventional fashion of file management.

### *Conclusion*

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

  
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SUPERVISORY PATENT  
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